



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAR 10 2008

REPLY TO THE ATTENTION OF

(AE-17J)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Debbie L. Tolliver, Environmental Coordinator
Lehigh Cement Company
121 North First Street
Mitchell, Indiana 47446

Re: Finding of Violation
Lehigh Cement Company
Mitchell, Indiana

Dear Ms. Tolliver

The U. S. Environmental Protection Agency is issuing the enclosed Finding of Violation (FOV) to Lehigh Cement Company (you). We find that you are violating Section 112 of the Clean Air Act, 42 U.S.C. § 7412, at your Mitchell, Indiana facility.

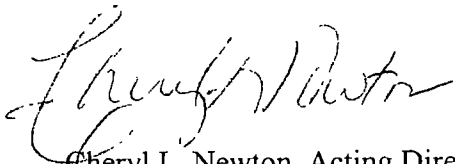
We have several enforcement options under Section 113(a)(3) of the Clean Air Act, 42 U.S.C. § 7413(a)(3). These options include issuing an administrative compliance order, issuing an administrative penalty order, and bringing a judicial civil.

We are offering you an opportunity to confer with us about the violations alleged in the FOV. The conference will give you the opportunity to present information on the specific findings of violation, the efforts you have taken to comply, and the steps you will take to prevent future violations.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is Sarah Marshall. You may call her at (312) 886-6797 to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Cheryl L. Newton".

Cheryl L. Newton, Acting Director
Air and Radiation Division

Enclosure

Craig Henry, Acting Section Chief
Office of Enforcement Air Section
Indiana Department of Environmental Management

United States Environmental Protection Agency Region 5

IN THE MATTER OF:)	
)	
Lehigh Cement Company)	FINDING OF VIOLATION
Mitchell, Indiana)	
)	EPA-5-08-11-IN
)	
Proceedings Pursuant to)	
the Clean Air Act,)	
42 U.S.C. §§ 7401 et seq.)	

FINDING OF VIOLATION

The United States Environmental Protection Agency finds that Lehigh Cement Company (Lehigh) is violating Section 112 of the Clean Air Act, 42 U.S.C. § 7412. Specifically, Lehigh is violating the National Emission Standards for Hazardous Air Pollutants (NESHAP) for the Portland Cement Manufacturing Industry at 40 C.F.R. part 63, subpart LLL as follows:

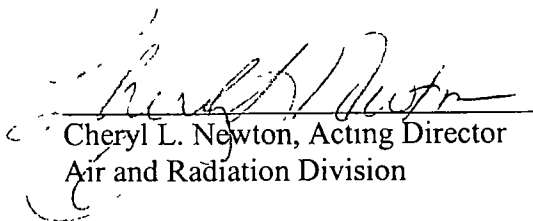
Regulatory Authority

1. The NESHAP for the Portland Cement Manufacturing Industry applies to clinker coolers.
2. The NESHAP, at 40 C.F.R. § 63.1345(a)(1), prohibits the owner and operator of a clinker cooler to discharge into the atmosphere from the clinker cooler particulate matter in excess of 0.050 kilograms per megagram [0.10 pound (lb) per ton] of feed (dry basis) to the kiln.
3. Lehigh owns and operates a Portland Cement Manufacturing facility which includes a clinker cooler at 121 North First Street, Mitchell, Indiana.
4. Lehigh's clinker cooler is subject to the requirements at 40 C.F.R. § 63.1345(a)(1).

Violations

5. Lehigh conducted performance testing for particulate matter on Clinker Cooler #3 on June 26-27, 2007.
6. The results from the testing showed Clinker Cooler #3 is discharging an average of 0.13 lbs per ton of feed on a dry basis to the kiln.
7. Lehigh has discharged from Clinker Cooler #3 particulate matter emissions in excess of 0.10 lbs per ton of feed on a dry basis to the kiln in violation of 40 C.F.R. § 63.1345(a)(1) and condition D.5.3 of the Part 70 operating permit number T093-5990-00002.

Date: 3/10/08


Cheryl L. Newton, Acting Director
Air and Radiation Division

CERTIFICATE OF MAILING

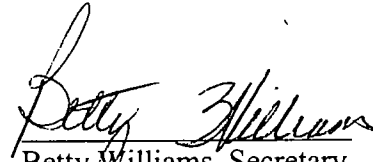
I, Betty Williams, certify that I sent a Finding of Violation, No. EPA-5-08-IN-11, by Certified Mail, Return Receipt Requested, to:

Debbie L. Tolliver, Environmental Coordinator
Lehigh Cement Company
121 North First Street
Mitchell, Indiana 47446

I also certify that I sent copies of the Finding of Violation by first class mail to:

Craig Henry, Acting Section Chief
Indiana Department of Environmental Management
100 North Senate Avenue
P.O. Box 6015
Indianapolis, Indiana 46206-6015

on the 10th day of March, 2008.


Betty Williams, Secretary
AECAS, (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER: 70010320 000589201477